



PHILIP D. MURPHY  
Governor

TAHESHA L. WAY  
Lt. Governor

**State of New Jersey**  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET, PO BOX 112  
TRENTON, NJ 08625-01122

MATTHEW J. PLATKIN  
Attorney General

MICHAEL C. WALTERS  
Acting Director

May 14, 2025

**VIA CM/ECF**

Hon. J. Brendan Day, U.S.M.J.  
United States District Court  
Clarkson S. Fisher Bldg. & U.S. Courthouse  
402 East State Street, Courtroom 7E  
Trenton, NJ 08608

**Re: Caleb L. McGillvary v. Ronald Reiz, et al.**  
**Civil Action No. 3:22-cv-6430-MAS-JBD**

Dear Judge Day:

The undersigned represents non-party New Jersey Department of Corrections ("NJDOC") in connection a subpoena served on NJDOC by Plaintiff Caleb L. McGillvary. I am writing with regard to Plaintiff's Motion for Contempt against NJDOC (ECF No. 115), which was filed on May 7, 2025.

By way of brief background, the pending Motion pertains to a subpoena duces tecum issued by Plaintiff to non-party NJDOC on or about June 25, 2024. This subpoena was the subject of an earlier Motion to Compel (ECF No. 73) filed by Plaintiff, which the Court granted in part and denied in part by Order dated February 6, 2025 (ECF No. 87). Pursuant to the Court's Order, NJDOC was directed to "review relevant records and logbook entries for dates that plaintiff shall provide to NJDOC, in writing[.]" *See* ECF No. 87. The Order further directed NJDOC to apprise the Court of the status of its review by letter filed within twenty (21) days after receiving Plaintiff's list of dates. *See ibid.*

NJDOC received Plaintiff's list of dates on February 27, 2025. On March 20, 2025 (within twenty-one (21) days), I filed a letter (ECF No. 92) with the Court advising that NJDOC had reviewed its records together with the dates Plaintiff provided and located three (3) logbooks that may contain responsive information. *See* ECF No. 92. I further advised that NJDOC was then in the process of photocopying and digitizing those records, which I expected to receive the following



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week, and that I expected to have the documents ready for production within the following thirty (30) days. *See ibid.*

On April 29, 2025, NJDOC served Plaintiff with its responses to his request for logbook entries, which consisted of eight (8) pages of documents (DOC.McGillvary.Logbook.001-008). That same day, I filed a letter (ECF No. 112) with the Court advising that the responses had been sent. Plaintiff was also served with a copy of this letter.

NJDOC's subpoena responses were served upon Plaintiff via regular and certified mail, tracking no. 7007 0220 0002 1069 9739. As of today, the tracking information for the certified mail indicates that the parcel is with the Postal Service for delivery, and that as of May 6, 2025, the parcel was in transit. Additionally, the regular mail has not been returned by the Postal Service to date as undeliverable and is therefore presumed to have been successfully delivered. Copies of NJDOC's proof of mailing and the tracking information for the certified mailing are enclosed for the Court's review.

In the pending Motion for Contempt, Plaintiff contends that NJDOC has not served its responses to his request for logbook for entries, which, as discussed above, is inaccurate. Rather, it appears likely that NJDOC's responses and Plaintiff's Motion may have crossed in the mail. Accordingly, NJDOC respectfully requests that Plaintiff's Motion be denied or administratively terminated as NJDOC has served responses to Plaintiff's request for logbook entries and has otherwise complied with the Court's Orders in this matter. By copy of this letter, I am requesting Plaintiff's consent to this request.

Finally, please note that this letter together with another copy of NJDOC's subpoena responses will be sent to Plaintiff today via regular and certified mail.

Thank you in advance for your time and attention to this matter. Should the Court have any questions or concerns, do not hesitate to contact me.

Respectfully submitted,

MATTHEW J. PLATKIN  
ATTORNEY GENERAL OF NEW JERSEY

By: /s/Michael B. McNeil  
Michael B. McNeil  
Deputy Attorney General

Encls.

- c. Caleb L. McGillvary (via regular and certified mail)
- All counsel of record (via CM/ECF)